

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

BERTHA KARLINSKY,

Plaintiff-Appellant,

v.

No. 96-1340

THE MAYOR AND COUNCIL OF
ROCKVILLE; PHILLIP BRYAN; BURT
HALL,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Maryland, at Baltimore.
Alexander Williams, Jr., District Judge.
(CA-94-2942-AW)

Submitted: August 22, 1996

Decided: September 12, 1996

Before HALL, WILLIAMS, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Bertha Karlinsky, Appellant Pro Se. Linda B. Thall, Senior Assistant
County Attorney, Edward Barry Lattner, COUNTY ATTORNEY'S
OFFICE, Rockville, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Bertha Karlinsky appeals from the district court's orders granting dismissal of the individual Defendants, and summary judgment in favor of Defendant Rockville, and dismissing her employment discrimination action alleging violations of the Age Discrimination in Employment Act of 1967, 29 U.S.C.A. §§ 621-34 (West 1985 & Supp. 1996). Our review of the record and the district court's opinions discloses that this appeal is without merit.

First, the district court's dismissal of the individual Defendants was proper. See Birkbeck v. Marvel Lighting Corp., 30 F.3d 507, 510-11 (4th Cir.), cert. denied, 63 U.S.L.W. 3457 (U.S. Dec. 12, 1994) (No. 94-719). Second, Karlinsky failed to establish a prima facie case of employment discrimination. See O'Connor v. Consolidated Coin Caterers Corp., ___ U.S. ___, 64 U.S.L.W. 4243 (U.S. April 1, 1996) (No. 95-354); see also McDonnell Douglas Corp. v. Green, 411 U.S. 792, 802 (1973); Alvarado v. Board of Trustees, 928 F.2d 118, 121 (4th Cir. 1991). Moreover, Karlinsky failed to rebut the legitimate, nondiscriminatory reasons Rockville proffered to support its decisions to discipline and ultimately terminate her. See Texas Dep't of Community Affairs v. Burdine, 450 U.S. 248, 254-56 (1981); Conkwright v. Westinghouse Elec. Corp., 933 F.2d 231, 234-35 (4th Cir. 1991). Accordingly, we cannot say that the district court's finding of non-discrimination was clearly erroneous. Anderson v. City of Bessemer, 470 U.S. 564, 574 (1985).

We therefore affirm substantially on the reasoning of the district court.* Karlinsky v. Mayor and Council of Rockville, No. CA-94-2942-AW (D. Md. Feb. 7, 1995; Feb. 27, 1996). We dispense with

*We note that the district court's reliance on O'Connor v. Consolidated Coin Caterers Corp., 56 F.3d 542 (4th Cir. 1995), is misplaced in light of the Supreme Court's recent decision in that case, decided after the district court rendered its opinion in this case. However, as we have held, Karlinsky failed to establish a prima facie case of age discrimination under the standard approved by the Supreme Court in O'Connor v. Consolidated Coin Caterers Corp., 64 U.S.L.W. 4243.

oral argument because the facts and legal contentions are adequately presented in the materials before the Court and argument would not aid the decisional process.

AFFIRMED